



from Stay against John Nicholas Valentine, III (hereinafter “Debtor”) and in support of said Motion would show the court as follows:

1. This Court has jurisdiction over this proceeding pursuant to the provisions of 28 U.S.C. Sections 1471, 1334, 362 and 363.

2. On September 01, 2017 Debtor filed a Petition under Chapter 13 of the Bankruptcy Code, and pursuant thereto, an Order for Relief was granted.

3. Movant is the owner of a first lien claim against Debtor. Movant’s claim arose on or about 10/10/2016 when Movant loaned Debtor the purchase money for a 2013 GMC Arcadia VIN: 1GKKVPKD3DJ138882 (the “Property”). To secure said loan Debtor gave movant a lien on the vehicle. True and correct copies of the Certificate of Title and Loan Agreement held by Movant are attached hereto and incorporated herein by reference.

4. The automatic stay which arose upon the filing of Debtor’s petition herein should be lifted to permit Movant to pursue its contractual and state law remedies regarding the Property for reason(s) that:

i. For Cause, in that Debtor has failed to make payments when due, resulting in an arrearage amount of \$\$2,610.00 as of February 18, 2020. Next payment of \$507.00 will be due on March 9, 2020. A true and correct copy of the payment history is attached hereto and incorporated herein by reference.

ii. For Cause, in that Movant does not have evidence that the vehicle described herein is insured.

5. The value of the collateral has declined since the petition filing. Additionally, the Debtor has no equity in the collateral.

6. For the above and foregoing reasons, Movant asserts cause exists sufficient to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing an Order to be effective upon this Honorable Court's signature.

WHEREFORE, PREMISES CONSIDERED, Movant prays that upon final hearing of this Motion, the Automatic Stay, pursuant to 11 U.S.C. Section 362, be modified to permit Movant to exercise its contractual and statutory rights to take possession of the vehicle described herein and thereafter dispose of the same as provided by law. In the event the Automatic Stay is not unconditionally lift, Movant prays that this Court enter such orders as will adequately protect Movant including therein an award of attorney's fees for the bringing of this motion. Movant prays that the provisions of Rule 4001(a)(3) not apply to any order issued pursuant to this Motion. Movant prays for such other and further relief, at law or in equity, to which it may show itself justly entitled.

*Respectfully Submitted,*

JACK O'BOYLE & ASSOCIATES

/s/ Travis H Gray

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ATTORNEYS FOR CARVANA, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing pleading has been sent to the persons listed below electronically or by first class mail on February 18, 2020.

John Nicholas Valentine, III  
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Austin TX 78731  
CHAPTER 13 TRUSTEE

JAMES O CURE  
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TEMPLE TX 76502

/s/ Travis H Gray  
Travis H Gray